

REMARKS

The Advisory Action dated April 26, 2004 has been received and carefully studied.

The Examiner states that the affidavit submitted in Applicant's last request for reconsideration has been considered but does not place the application in condition for allowance because the demonstration is not commensurate in scope with the claims. Specifically, the Examiner states that the present application presents two examples similar to compound A of Misawa et al. as part of the application, and illustrates formulae (8) and (9). **However, these compounds the Examiner would have Applicants test are not within the scope of the present invention.** Instant claim 1 limits B to a phenylazo group represented by Formula (5). Formula (5) does not include the phenylamino group which is the substituent on the naphthyl group of the compounds of the formulae (8) and (9). Accordingly, such compounds are not being claimed and were not and should not have been tested. Indeed, compounds of Formulae (8) and (9) are set forth in Example 3 of the present application only as examples of dyes that may be used with the dye of present Formula (1).


The Examiner also was not persuaded by Applicants' argument that there is no motivation to combine Misawa et al. with Claussen et al., stating that Claussen et al. teach the importance of the phenylazo radical in providing neutral color with uniform dichroism. However, the crux of Applicants' argument was and is that Claussen et al. show numerous substituents other than phenylazo that achieve the same neutral color with uniform dichroism, and thus there is no guidance

whatsoever in Claussen et al. to pick and choose among these numerous choices and arrive at the proper phenylazo substituent and modify the Misawa et al. dye accordingly. No reason has been provided why the skilled artisan would pick one out of many substituents disclosed in Claussen et al. to modify Misawa et al.

Moreover, the right phenyl group in the stilbene moiety of compound A of Misawa et al. is substituted by a naphthylazophenylazo group. In contrast, the right phenyl group on the stilbene moiety of Claussen et al. is substituted directly by a naphthylazo group. Accordingly the bone structures of the two are very different, again demonstrating a lack of motivation to modify the compound of Misawa et al. in view of Claussen et al.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,


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